

Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

VANESSA SIMMONDS,

Plaintiff,

v.

DEUTSCHE BANK SECURITIES
INC., a Delaware corporation,

MERRILL LYNCH, PIERCE,
FENNER & SMITH
INCORPORATED, a Delaware
corporation,

J.P. MORGAN SECURITIES INC., a
Delaware corporation,

Defendants,

and

FOUNDRY NETWORKS, INC., a
Delaware corporation,

Nominal Defendant.

NO. C07-1566 JLR

**PLAINTIFF'S NOTICE OF
DISMISSAL**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff hereby dismisses this

PLAINTIFF'S NOTICE OF DISMISSAL - 1
No. C07-1566 JLR

GORDON TILDEN THOMAS & CORDELL LLP
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1 action with prejudice as to the adequacy-of-the-pre-suit-demand issue under the
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3 standard articulated by the Ninth Circuit (*see Simmonds v. Credit Suisse Sec.*
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5 (*USA*) *LLC*, 638 F.3d 1072, 1097 (9th Cir. 2011) (citing *In re Kauffman Mut. Fund*
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7 *Actions*, 479 F.2d 257, 267 (1st Cir.1973)), and without prejudice as to all other
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9 issues.
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11 DATED this 11th day of June, 2012.

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14 Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following.

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